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REPORT AND RECOMMENDATIONS MADE BY THE PANEL OF COMMISSIONERS CONCERNING PART TWO OF THE SECOND INSTALMENT OF INDIVIDUAL CLAIMS FOR DAMAGES ABOVE US$100,000 (CATEGORY "D" CLAIMS)

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CONTENTS

	Paragraphs	Page
Introduction	1 - 4	3
I. BACKGROUND	5 - 8	3
A. Background information	5 - 6	3
B. General legal framework	7	4
C. Applicable evidentiary standard	8	4
II. D4(PP) CLAIMS	9 - 16	4
A. Introduction to the D4(PP) claims category	9	4
B. Claim form requirements	10 - 11	4
C. Description of D4(PP) claims in the second instalment	12 - 14	5
D. Procedural history	15 - 16	5
III. JURISDICTIONAL AND CLAIM PROCESSING ISSUES	17 - 29	6
A. Categorization of D4(PP) claims	17 - 25	6
1. Preliminary observations	17	6
2. Business assets	18 - 19	6
3. Contracts not performed and lost investments	20 - 21	6
4. Immoveable property	22 - 23	7
5. Intellectual and other intangible property	24	7
6. Household furnishings and personal effects	25	7
B. Invalid Kuwaiti currency	26 - 28	8
C. Panel determinations on jurisdictional issues	29	8
IV. D4(PP) METHODOLOGY	30 - 55	8
A. Overview	30 - 32	8
B. Ownership, loss and causal relation test	33 - 34	9
C. Compensation methodology	35 - 36	9
1. Claim adjustment stage	37 - 41	9
2. Assessment stage	42 - 44	10
3. Valuation stage	45 - 50	11
4. Compensation stage	51	12
D. Cross-category issues	52 - 57	12
V. RECOMMENDATIONS	58 - 60	13
A. Awards by submitting entities	58	13
B. Interest	59	13
C. Submission through the Executive Secretary to the Governing Council	60	13
Notes		15
Annex		17

Introduction

1. This is the fourth report to the Governing Council of the United Nations Compensation Commission (the "Commission") by the Panel of Commissioners (the "Panel") appointed to review individual claims for damages above US$100,000 (category "D" claims) pursuant to article 38(e) of the Provisional Rules for Claims Procedure (the "Rules"). 1/

2. The Panel began its review of the second instalment of category "D" claims in February 1998. The second instalment is made up of 400 claims of which 221 claims are for loss types for which methodologies were developed during the first instalment ("application claims") and 179 claims are for loss types for which new methodologies were required to be developed, i.e., D2(personal injury), D4 personal property excluding motor vehicles ("D4(PP)") and D5(bank accounts, stocks and other securities).

3. The "Report and Recommendations Made by the Panel of Commissioners Concerning Part One of the Second Instalment of Individual Claims for Damages Above US$100,000 (Category "D" Claims)" ("Third Report") contains the Panel's determinations and recommendations in respect of part one of the second instalment comprising a total of 250 claims, i.e., 221 application claims, 14 D2 claims and 15 D5 claims. 2/

4. This report contains the determinations and recommendations of the Panel in respect of part two of the second instalment comprising 150 D4(PP) claims. These claims were designated by the Panel as "unusually large or complex" to ensure that the Panel had adequate time to resolve the complex legal and valuation issues that were encountered during the development of the D4(PP) methodology. 3/

I. BACKGROUND

A. Background information

5. The factual background relating to the invasion and occupation of Kuwait by Iraq, against which the present claims have been made, is set out in detail in the "Report and Recommendations Made by the Panel of Commissioners Concerning Part One of the First Instalment of Individual Claims for Damages Above US$100,000 (Category "D" Claims)" ("First Report") 4/ and the "Report and Recommendations Made by the Panel of Commissioners Concerning Part Two of the First Instalment of Individual Claims for Damages Above US$100,000 (Category "D" Claims)" ("Second Report"). 5/

6. The Panel has also taken into consideration the following relevant material: information accompanying the submission of part two of the second instalment of claims provided by the Executive Secretary pursuant to article 32 of the Rules; and additional information and views presented by Governments that have submitted claims, and by the Government of Iraq, in response to the reports submitted to the Governing Council by the Executive

Secretary in accordance with article 16 of the Rules. Finally, the Panel has had the benefit of information obtained by the secretariat and expert consultants during an on-site inspection in Kuwait, the primary objective of which was to collect sufficient information on Kuwait, Kuwaiti society and the Kuwaiti claims programme to enable the Panel to conduct an effective evaluation of both Kuwaiti and non-Kuwaiti D4(PP) claims.

B. General legal framework

7. The general legal framework for the resolution of category "D" claims is set out in chapter V of the Panel's First Report.

C. Applicable evidentiary standard

8. The issue of evidentiary standards to be applied in reviewing category "D" claims was addressed by the Panel in chapter VI of the First Report and chapter II of the Second Report. 6/ These two reports were approved by the Governing Council in decisions 47 and 49 respectively. 7/ As with the first instalment, the Panel has reviewed the claims in the present instalment and made its recommendations by assessing the documentary evidence and balancing the interests of claimants, who had to flee a war zone, with the interests of the Government of Iraq, which is liable only for damages caused as a direct result of the invasion and occupation of Kuwait.

II. D4(PP) CLAIMS

A. Introduction to the D4(PP) claims category

9. The D4(PP) claims category incorporates six loss elements that permit compensation claims to be made in respect of loss or damage to six types of personal property. These are: (i) clothing; (ii) personal effects; (iii) household furnishings; (iv) jewellery; (v) money and other valuables not kept in banks; and (vi) other. Approximately 4,000 D4(PP) claims have been filed by forty-nine different submitting entities, requesting a total amount of compensation of approximately US$1.5 billion. Within the 4,000 D4(PP) claims, there are more than 11,000 individual claims presented under the six loss elements.

B. Claim form requirements

10. The D4 page of the category "D" claim form provides that D4(PP) claims may be made for the loss of property under one or more of the six loss elements.

11. In addition to identifying the personal property items for which compensation is sought and the currency used to value the claim, a claimant is also asked to provide (i) a statement describing the circumstances of the loss; (ii) documentary and other appropriate evidence that establishes

ownership of the property; (iii) an itemized list of major items that includes purchase prices and the dates of purchase; and (iv) an explanation of the method of valuation used. The claimant is also required to state the cost of any repairs to or replacement of items for which compensation is sought. All claims and the supporting evidence are required to be submitted in English or with an English translation.

C. Description of D4(PP) claims in the second instalment

12. The 150 D4(PP) claims considered in this report have been filed by seventeen submitting entities. As the resolution of this first set of D4(PP) claims is intended to result in the development of a methodology that will be applicable to the remaining D4(PP) claims, it was important that the 150 claims be sufficiently representative of all D4(PP) claims. Following a preliminary analysis of all the D4(PP) claims, the following criteria were used to select the 150 claims: the formal requirements of the Rules; geographical balance among the submitting entities; the loss element composition of the claims; and the amounts claimed.

13. The Panel found that the claims under each of the six loss elements of the D4(PP)claims presented a large number of issues, in part due to the diversity and the number of items claimed under each D4(PP) loss element. 8/

14. Apart from the diversity and complexity of the claims, the Panel found considerable variance in the extent of substantiation. Some claimants provide extensive personal statements, detailed inventories or descriptions of the personal property, one or more witness or other relevant third party statements, invoices or other direct evidence, and other evidence such as photographs. However, many claimants who were unable to or did not return to Kuwait clearly found it more difficult to document fully their claims. A number of claimants provide only brief statements, neglect to comply fully with the D4 claim form requirements, submit skeletal inventories or provide little direct or other evidence.

D. Procedural history

15. Upon a detailed review of the claims, and the resolution of a number of basic evidential and jurisdictional issues, the Panel developed a two part D4(PP) methodology. The application of the first part of the methodology is designed to establish the prima facie compensability of a D4(PP) claim, while the application of the second part, through a process of assessment and valuation, determines the amount of compensation to be recommended for payment.

16. The prima facie compensability of a claim is determined by taking into account the evidence of ownership and loss or damage, and the extent to which the loss claimed is shown to have arisen as a direct result of Iraq's invasion and occupation of Kuwait. However, it is in the area of valuation of the large variety of items comprised in each loss element that

the Panel encountered complex issues. In order to address these issues comprehensively, and so as to ensure that compensation recommendations made in respect of the D4(PP) loss elements are consistent and in line with the Rules and Governing Council decisions, the Panel sought the advice of expert consultants in the fields of loss-adjusting and valuation to assist it with the development of a compensation methodology to be applied to those claims that the Panel finds to be prima facie compensable.

III. JURISDICTIONAL AND CLAIM PROCESSING ISSUES

A. Categorization of D4(PP) Claims

1. Preliminary observations

17. The Panel's review of the 150 D4(PP) claims revealed that there was uncertainty amongst claimants as to the proper allocation of certain types of losses, in particular in regard to certain losses that could be regarded as claims for business losses, rather than for loss of personal property. Upon consideration of these claims, and with the benefit of information obtained from the on-site inspection in Kuwait, the Panel resolved the categorization issues as follows.

2. Business assets

18. A considerable number of D4(PP) claims appeared at first to be for property that might be better categorized as business property. These claims included large claims for camels and other livestock, a large bloodstock claim, and claims for losses of currency that were originally derived from currency trading.

19. Following investigations in Kuwait, it was confirmed that Kuwait's Public Authority for Assessment of Compensation for Damages Resulting From Iraqi Aggression ("PAAC") had allowed such claims to be made as D4(PP) claims on the basis that they were for assets used in unincorporated, unlicensed activities. The Panel accepted the criteria used by PAAC to distinguish between D4(PP), D8/9(individual business losses) and category "E" (corporate) claims 9/ and decided that claims for losses from unincorporated, unlicensed activities may remain within the D4(PP) loss type, provided that such claims are for cash or other physical assets and do not include a claim for loss of profits or any other elements of a D8/9 loss type or a category "E" corporate claim.

3. Contracts not performed and lost investments

20. A number of claims were for losses which appeared to derive from a contractual relationship where it was likely that the claimant had a contractual right against a third party. These claims included a claim for pre-paid rent, claims for the loss of money that was invested in, or loaned

to, a business enterprise and one claim for the loss of money that was held in a personal trading account.

21. The Panel developed an analytical framework for dealing with claims based on contracts or investments. The Panel decided that, for claims based in contract, including loans, where there is an existing debtor, there could be no recovery from the Commission. Where the debtor no longer exists, there may be recovery if the debtor's disappearance, death or dissolution occurred as a direct result of the invasion. In respect of claims for lost investments, the Panel determined that there could be no recovery where the business entity still exists. Compensation may be payable where the business entity had been disso ved or ceased to exist as a direct result of the invasion.

4. Immoveable property

22. A small number of claims raised the issue of the proper category for the resolution of losses that might ordinarily appear to be part of a D7 real property claim.

23. The Panel decided that claims for the loss of or damage to immoveable property should be transferred to D7, except where,

(a) the immoveable property claim represents only a small part of a larger personal property claim; or

(b) the claimed value of the immoveable property cannot be readily identified and recategorized.

In both circumstances (a) and (b) the Panel decided that a claim for immoveable property will be resolved as part of the larger personal property claim under D4(PP).

5. Intellectual and other intangible property

24. A number of claims were filed in respect of the loss of knowledge, intellectual property and reputation. These claims were generally made where a large body of scholarly work or research was lost. The Panel decided that claims for intellectual and other intangible property were properly categorized within D4(PP).

6. Household furnishings and personal effects

25. As many claimants did not distinguish between the type of items claimed under the loss element "household furnishings" and the loss element "personal effects", 10/ the Panel determined that these two loss elements should be assessed as a single loss element.

B. Invalid Kuwaiti currency

26. One claim raised the issue of whether losses arising from holding invalid Kuwaiti currency were losses caused as a direct result of the invasion of Kuwait by Iraq. 11/

27. Upon consideration of the facts and circumstances, and consistent with the view of other panels, the Panel found that a D4(PP) claim for invalid Kuwaiti currency fell, prima facie, within the category of compensable losses recognized by the Security Council in resolution 687 (1991). 12/

28. The Panel determined however that in respect of such claims, claimants should be required to provide the date on which the claimant came into possession of the currency and that the original currency notes must be tendered to the Commission.

C. Panel determinations on jurisdictional issues

29. In accordance with the above criteria, the Panel rejected four D4(PP) claims on jurisdictional grounds. The Panel further determined tnat in an additional two D4(PP) claims, certain loss elements should also be rejected on jurisdictional grounds.

IV. D4(PP) METHODOLOGY

A. Overview

30. The Panel recognized that many claimants had experienced difficulties in compiling evidence of ownership and loss or damage in respect of personal property for the reason that few people keep records of ownership of everyday household belongings and personal effects and that the records that may have been kept were likely to have been left behind upon departure, or otherwise lost or destroyed during the invasion and occupation of Kuwait.

31. Consistent with the requirements of article 35(3) of the Rules, the applicable Governing Council decisions, taking into account the recommendations made by the category "C" Panel of Commissioners in respect of category "C" claims for loss of personal property, and the level and type of evidence that should reasonably be required of a claimant given the overall circumstances at the time of the loss in Kuwait and Iraq, the Panel has developed a D4(PP) methodology which it expects will accommodate all D4(PP) claims.

32. The first part of the methodology consists of an ownership, loss and causal relation test designed to determine the prima facie compensability of a claim and is described in section IV.B below. The second part deals

with valuation and requires each loss element claim to undergo four processing stages described in section IV.C.

B. Ownership, loss and causal relation test

33. For a claim to be compensable, a claimant must first demonstrate that he or she owned the property claimed and that the property was lost or damaged as a direct result of the invasion and occupation of Kuwait by Iraq.

34. The Panel determined that for a D4(PP) claim to be prima facie compensable, it must be supported by evidence demonstrating the claimant's presence in or departure from Kuwait or Iraq before or during the period of the invasion and occupation of Kuwait; and other documentary evidence, such as details of the property lost, invoices, personal or third party statements, photographs, insurance documents, a police or a fire department report or such other evidence as could reasonably be required of a claimant given the overall circumstances at the time of loss in Kuwait or Iraq. Claims that pass this test are assessed and valued in accordance with the compensation methodology described in section IV.C below.

C. Compensation methodology

35. The valuation of the personal property determined to have been lost, and therefore the compensation to be awarded, will depend upon the extent to which the claimant has supplied evidence in respect of the items lost and to which the compensation methodology can be applied.

36. The Panel, with the assistance of the expert consultants, has developed a compensation methodology which processes a claim through four stages: adjustment, assessment, valuation and compensation. These stages are described below.

1. Claim adjustment stage

37. Each claim is first reviewed to ensure that the total amount claimed is free from error or distortion. There are five separate steps at the claim adjustment stage.

38. The first step is to identify documents that require translation. Any translation that may be required must be completed before work on the claim proceeds.

39. The second step ensures that the items for which compensation is sought are correctly allocated under one of the following five loss elements: (i) clothing; (ii) household furnishings and personal effects; (iii) jewellery; (iv) money and other valuables; and (v) other. The "clothing" loss element includes clothing, footwear and accessories, excluding jewellery. The combined "household furnishings and personal

effects" loss element includes furniture, electrical appliances, carpets, art, antiques and items for personal use that are not covered by other loss elements. 13/ The "jewellery" loss element includes gold and gemstone jewellery. The "money and other valuables" loss element includes claims for currency, loose gem stones and gold that has not been identified as jewellery, such as bars, coins, and bullion. The "other" loss element includes collections of stamps, slides, coins and other similar property; intellectual and other intangible property; and livestock.

40. Once the recategorization is complete, any duplicate items are identified and removed. The third step requires the D4(PP) claim to be compared, where applicable, with the related category "C" claim to ensure that any duplication between the D4(PP) and the category "C" claims is also eliminated.

41. The final two steps require the identification and elimination of mathematical errors and any necessary adjustment of exchange rates used by the claimant. 14/ The resulting claim amount is the "adjusted claim value". Recommended compensation can never exceed the adjusted claim value.

2. Assessment stage

42. At the "assessment" stage, a claim is given a score that is derived from the type of evidence that a claimant has provided in support of the claim (the "assessment score"). The assessment process takes a number of factors into account including the amount of the claim, the loss element for which compensation is sought and the evidentiary difficulties faced by claimants trying to substantiate claims that arose in an environment of invasion and occupation.

43. Claims have been divided into three groups with claims for a higher amount requiring a higher degree of evidence than those for a lower amount. The methodology also takes into account the type of property for which compensation is sought. For example, clothing claims have a lower evidential threshold than jewellery claims. Finally, the assessment process recognizes that it was generally more difficult for non-Kuwaiti claimants to substantiate their claims than it was for Kuwaiti claimants, primarily because many were unable to return to the site of their loss, and therefore had difficulty in obtaining replacement documents and third-party statements.

44. The assessment stage also takes into account evidence that supports a claim, regardless of the source of this evidence. If relevant, evidence that has been submitted in support of a category "C" claim is considered in the assessment of a category "D" claim. Similarly, evidence submitted in support of a related claim, e.g., the claim of another family member, is also considered at the assessment stage if it is found to be relevant.

3. Valuation stage

45. The third stage of the methodology - the valuation stage - tests the adjusted claim value against values that are representative of personal property values in Kuwait as at 2 August 1990 for items of a similar type, condition and age as those for which the claimant seeks compensation. This valuation is done on a loss element by loss element basis.

46. For a given loss element claim, the valuation process identifies a number of items on the inventory provided by the claimant. The number of items that will be tested depends on the loss element and the adjusted value of the claim. The 1990 Kuwaiti purchase price of each selected item is then determined and subsequently depreciated to arrive at a value broadly equivalent to the 1990 Kuwait market value of an item of the same age for which compensation is sought. The difference between the adjusted claim value of the item and the 1990 market value of the item is then calculated as a percentage factor (the "valuation score").

47. The 1990 Kuwaiti purchase price is determined in a number of ways, depending on (i) whether or not the claimant has provided pre-war documents that support the amount claimed, and (ii) where pre-war documents are provided, whether the claimant is claiming for more than the amounts supported by the pre-war documents.

48. Where the claimant has been unable to provide pre-war documents, the 1990 Kuwaiti purchase price is determined by a number of methods. The primary means is by reference to one of a number of valuation guides, independently verified and approved by the Panel in consultation with its expert consultants. These guides include the "Common Household Items of Kuwait - Valuation Guide" - a report prepared by Fishers International Kuwait Ltd.; a gold valuation table; a livestock valuation table; and a bloodstock valuation table. The Panel also sought the advice of expert consultants with specialized knowledge of items not found in these guides. Additional sources of information include pre-war documents that support claims for similar items in other claims.

49. The 1990 market value is determined by depreciating the 1990 Kuwaiti purchase price by an appropriate rate of depreciation. The applicable depreciation rate depends on whether the claimant is Kuwaiti or non-Kuwaiti and on the type of items for which compensation is sought. Non-Kuwaiti claims are depreciated using figures provided by PAAC that are comparable to European goods consumption rates and Kuwaiti claims are depreciated using figures provided by the Kuwait Institute of Scientific Research that are reflective of Kuwaiti goods consumption rates. Goods that do not ordinarily depreciate in value, such as artefacts, Persian and oriental carpets and jewellery, are not subject to depreciation in the methodology.

50. The Panel gave particularly careful consideration to the valuation of a number of claims for the loss of currency. Following its examination of the circumstances under which large sums of different currencies were likely to have been purchased and held, it decided that it will only recommend the award of compensation where a claim is supported by receipts for the purchase of currency or other relevant primary evidence. In applying this decision, the Panel took into account the dates of the receipts or other evidence and disregarded any claims for currency where, given such dates, it was unreasonable to suppose that the claimant could still have been in possession of the currency claimed at the time of the invasion.

4. Compensation stage

51. At the final stage of the compensation methodology, the recommended compensation for each loss element under which a claim has been filed is calculated by taking the adjusted claim value (as defined in paragraph 41) and multiplying this amount by the valuation score (as defined in paragraph 46) and then multiplying the result by the assessment score (as defined in paragraph 42).

D. Cross-Category issues

52. When seeking compensation in excess of US$100,000, a claimant had the option of filing the initial US$100,000 of the claim in category "C" and the balance in category "D", or of filing the entire claim under category "D". As a result of this option, there are a number of D4(PP) claims where a claimant has filed both a category "C" and a D4(PP) claim.

53. In many cases the category "C" claim and the D4(PP) claim are distinct from each other. In some cases the D4(PP) claim is closely related to the category "C" claim. The latter type of claim falls roughly into one of two categories: (a) duplicate claims - where the D4(PP) claim duplicates a category "C" claim in whole or in part; and (b) "spillover" claims - where the D4(PP) claim represents the excess amount from a related category "C" claim. 15/ There are two types of spillover claims: (i) where the spillover amount cannot easily be identified as relating to one of the six D4(PP) loss elements; and (ii) where the spillover amount can be identified as relating to one or more of the six D4(PP) loss elements, but the specific items for which compensation is sought cannot be identified.

54. The Panel found that 12 D4 claims entirely duplicated claims filed in category "C". No compensation is recommended for these 12 claims. The Panel also found that there were partial duplications between categories "C" and "D4" in respect of a further two claims. No compensation is recommended for those elements of the two D4 claims that were duplicated in category "C" claims.

55. In respect of the spillover claims, the Panel decided that the compensation methodology described above should be applied to the corresponding personal property elements of the category "C" claim or to the corresponding personal property elements of a combined category "C" and D4(PP) claim as may be appropriate. The resulting compensation will be calculated as a percentage of the total amount claimed in respect of the corresponding personal property claims. The percentage will then be applied to the D4(PP) spillover amount to arrive at a compensation figure.

56. Consistent with its approach to D4PP claims which are found to be duplicates of claims filed in category "C", the Panel has also determined that where a D4PP claim is found to have been paid, in whole or in part, by an entity which subsequently filed a category "F" claim for the reimbursement of such payment, no further compensation will be awarded in category "D" in respect of those elements of the D4PP claim previously paid.

57. The Panel found that two D4PP claims in this instalment were duplicates of claims that were filed by an entity which subsequently filed a category "F" claim for the reimbursement of such payment. No compensation is recommended for these two claims.

V. RECOMMENDATIONS

A. Awards by submitting entities

58. The Annex hereto lists the awards recommended by the Panel for each Government and international organization for claimants included in part two of the second instalment. Each Government and international organization will be provided with a confidential list containing the individual recommendations made in respect of its claimants. As will be seen from the Annex, against the total amount claimed of US$75,823,895.12, the Panel has recommended the award of a total amount of US$53,053,314.00. 16/

B. Interest

59. The Panel recommends that interest be awarded pursuant to its determinations as set out in chapter V.H of the First Report.

C. Submission through the Executive Secretary to the Governing Council

60. The Panel respectfully submits this report through the Executive Secretary to the Governing Council pursuant to article 38(e) of the Rules.

Geneva, 7 September 1998

(Signed) R.K.P. Shankardass
Chairman

(Signed) H.M. Joko-Smart
Commissioner

(Signed) M.C. Pryles
Commissioner

Notes

1/ S/AC.26/1992/10.

2/ S/AC.26/1998/11.

3/ The Panel, acting pursuant to article 38(d) of the Rules, issued procedural order No. 4 on 29 July 1998, by which it declared the D4(PP) claims in part two of the second instalment to be "unusually large or complex".

4/ S/AC.26/1998/1. See in particular chapter II.

5/ S/AC.26/1998/3. See in particular chapter IV.

6/ See also paragraph 8 of Governing Council decision 7 which provides that "[s]ince ... [D] claims may be for substantial amounts, they must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and the amount of the claimed loss" (S/AC.26/1991/7/Rev.1). See also articles 35(2) and (3) of the Rules.

7/ S/AC.26/Dec.47 (1998) and S/AC.26/Dec.49 (1998).

8/ A review of the 150 claims reflects the potential complexity and breadth of a D4(PP) claim: 61 claims seek compensation for a single loss element; 27 claims seek compensation for two loss elements; 33 claims seek compensation for three loss elements; 17 claims seek compensation for 4 loss elements; and 6 claims seek compensation for 5 loss elements. These statistics reflect five rather than six loss elements due to the consolidation of the personal effects and household furnishings loss elements (see para. 25).

9/ Category "E" claims are claims filed by corporations and other entities.

10/ Both loss elements contained a mixt re of items including furniture, electrical appliances, sports and camera equipment as well as books, video and audio compact discs and tapes, toys and hobby materials.

11/ Soon after the invasion of Kuwait by Iraq, persons acting under the direction of the Iraqi authorities removed Kuwaiti currency, including newly minted, uncirculated notes, from the Central Bank of Kuwait and put the currency into circulation in Kuwait. Under the authority of a decree issued on 7 October 1990 by the Kuwaiti Government in exile, the Central Bank identified the serial numbers of the Kuwaiti currency that was removed and put into circulation by the Iraqi authorities, contrary to pre-existing Kuwaiti law ("invalid Kuwaiti currency"). After 2 March 1991, the Government of Kuwait issued new versions of Kuwait's paper currency. Between 24 March and 30 September 1991, the Central Bank arranged for the exchange of old Kuwaiti currency for the new Kuwaiti currency. However, the invalid Kuwaiti currency was excluded from this currency exchange programme.

12/ Paragraph 16 of Security Council resolution 687 (1991) "[r]eaffirms that Iraq ... is liable under international law for any direct

loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait".

13/ As stated in para. 25 of this report, claimants did not generally distinguish between the types of items claimed under the loss elements, "household furnishings" and "personal effects", therefore, these loss elements are combined for the purpose of the D4(PP) methodology.

14/ The Commission administers claims in United States dollars. Where claims have been submitted in any other currency, the currency exchange rates referred to in paras. 61-63 of the First Report are used to convert the claimed amount into a dollar amount. In view of the fact that some claimed amounts had been converted into dollars by the claimants, while other claimed amounts need to be converted into dollars by the Commission, the Panel recognized that the use of different exchange rates could import a degree of unfairness into the calculation of compensation. Consequently, the Panel determined that claims should, as a rule, be converted into United States dollars using the currency exchange rates as set out in the First Report.

15/ As the category "D" claim form and the category "C" claim form are similar, but not identical, the spillover into D4(PP) often originates from a category "C" loss type other than C4(PP).

16/ No compensation was recommended for 21 of the 150 D4(PP) claims. Twelve claims referred to in paragraph 54 were found to be duplicates; two claims referred to in paragraph 57 were found to have been paid by an entity which subsequently filed a category "F" claim for the reimbursement of such payment; two claims were withdrawn by one submitting entity, following enquiries by the Panel; four claims referred to in paragraph 29 were failed on jurisdictional grounds; and the compensation methodology did not recommend payment in respect of one claim.

Annex

Summary of recommendations for part two of the second instalment of category "D" claims

Submitting entity	Amount claimed (US$)	Number of claims recommended for payment	Number of claims not recommended for payment	Amount of compensation recommended (US$)
Australia	114,723.18	1	-	60,711.00
Bahrain	171,747.40	-	1	-
Canada	1,615,968.37	10	1	577,780.00
Egypt	90,846.00	1	-	76,123.00
France	155,186.77	1	1	74,547.00
Germany	181,017.92	1	1	61,295.00
India	597,812.16	11	1	302,124.00
Italy	682,365.95	1	2	90,338.00
Jordan	130,796.00	1	-	96,194.00
Kuwait	68,964,128.78	67	2	50,056,931.00
Lebanon	100,553.63	1	-	47,044.00
Pakistan	194,251.00	2	-	60,696.00
Sudan	328,304.18	2	-	73,600.00
Syria	21,175.00	1	-	16,237.00
United Kingdom	1,111,811.48	13	10	574,719.00
United States of America	1,282,006.30	14	2	831,351.00
UNRWA (Vienna)	81,201.00	2	-	53,624.00
Total	75,823,895.12	129	21	**53,053,314.00**